Before the Federal Communications Commission Washington, D.C.

20554

FCC MAIL ROOM

In re Applications of

DARRELL BRYAN

SBH PROPERTIES, INC.

MM Docket No. 93-241

File No. BPH-920109MA

File No. BPH-920123MD

For Construction Permit for New FM Channel 276A Tusculum, Tennessee

To: Honorable John M. Frysiak Administrative Law Judge

SUPPLEMENT TO STANDARDIZED INTEGRATION/DIVERSIFICATION STATEMENT

SBH Properties, Inc. ("SBH") by counsel herewith submits the following information and requests that the same be accepted as a supplement to its Standardized Integration and Diversification Statement, previously filed in this proceeding. In support whereof the following is shown:

On December 17, 1993, the Court of Appeals issued its decision in <u>Susan M. Bechtel v. FCC</u>, Case No. 92-1978. the Court concluded that the Commission's continued reliance upon the integration of ownership into management criterion was "arbitrary and capricious" and, therefore, "unlawful" and ordered the Commission to decide that and other cases "under standards free of the integration preference." (Slip Op. at p. 5). Furthermore, inasmuch as one of Bechtel's primary bases for

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challenging the Commission's integration criterion was its application of the Anax Policy, the Court's decision in <u>Susan M. Bechtel</u> may also be read as undermining the Commission's continued reliance upon the Anax Policy. See: <u>Susan M. Bechtel v. FCC</u>, 957 F.2d 873, 879-80 (D.C. Cir. 1992). Thus, both the integration criterion and the Anax Policy appear to have been scuttled by the Court, resulting in significant confusion regarding what, ultimately, will be considered relevant to the standard comparative issue in this and other cases.

- 2. Accordingly, SBH is submitting the following information regarding the local residence and civic participation of SBH's nonvoting shareholders, J. Kent Bewley and Leonard P. ("Paul") Hite. This information is being submitted out of an abundance of caution for whatever comparative significance it may ultimately have in this proceeding. SBH does not at this time assert that this information is relevant or that it intends to argue that it should be. However, in light of the uncertainty resulting from Susan M. Bechtel, SBH is submitting this information within thirty days of the release of the Court's opinion in that case to assure that it is not subsequently forclosed from submitting such evidence, which could become relevant, if the Anax Policy is to be eliminated.
- 3. Kent Bewley, who was born in 1943, is currently and has since childhood been a resident of Greeneville, Tennessee. Paul Hite is a resident of Greene County, Tennessee, and has resided

in Green County between 1927 to 1945 and from 1947 to the present. Each of Mr. Bewley's residences in Greeneville and Mr. Hite's residences in Greene County have been located within the primary service area proposed by SBH.

- 4. Attached hereto and made a part of this filling are copies of resumes for Mr. Bewley and Mr. Hite, which set forth information concerning their civic participation, all of which has been within the community of license or service area of the proposed station.
- 5. Finally, it is noted that prior to the deposition sessions in this proceeding, undersigned counsel for SBH provided counsel for Bryan with copies of the attached resumes, accompanied by a memorandum, indicating that in light of <u>Susan M. Bechtel</u>, SBH had no objection should Bryan wish to examine Messers. Bewley and Hite regarding their residences and civic participation. Thus, having been accorded the opportunity to examine Messers. Bewley and Hite regarding these matters, the acceptance of this information would not prejudice Bryan.

Respectfully Submitted

Y: Timothy K. Brady

Its Attorney

P.O. Box 986 Brentwood, TN 37027-0986 (615) 371-9367

January 18, 1994

KENT BEWLEY

INFORMATION SHEET

Born December 26, 1943 in McMinnville, Tennessee

Raised in Greeneville, Tennessee

Son of Roswell R. Bewley and the late Eugenia Northcutt Bewley, Greeneville, TN

Graduate of Greeneville High School and the University of Tennessee, Knoxville, Tennessee, with a Bachelor of Science Degree in Business Administration

Member of Sigma Chi Fraternity at the University of Tennessee

Spent ten (10) years in the United States Army Reserve as a Reserve Engineering Officer obtaining the rank of Captain

Married Bettye Anne Bullard of Newport, Tennessee

Father of one (1) daughter, Kandice, age 17 and a Senior at Greeneville High School

Kent's father, R. R. Bewley, started in the automobile business in Greeneville, Tennessee, in 1937 with Kent being involved since 1967. The Bewley family has been in the automobile business in Greeneville for fifty-six (56) years.

Business involvement:

President - Bewley Olds-Subaru, Inc., Greeneville, TN

President - TSC Super Store, Inc., Greeneville, TN

President - Morristown Chevrolet-Buick-Oldsmobile-Geo, Inc., Morristown, TN

President - Budget Rent A Car of Tri-City Airport, Inc., Blountville, TN

Vice President - Bristol Auto Auction, Inc., Bristol, TN

Partner - Bewley Motor Company, Greeneville, TN

Partner - Bewley Commercial Warehouses, Greeneville, TN

General Partner - Towne Square Shopping Center, Ltd., Greeneville, TN

Organizations, etc.:

Tusculum College Board of Trustees, Greene County, TN - 1988-Present Asbury United Methodist Church, Greeneville, TN - Member since 1950 Asbury United Methodist Church Administrative Board - 1970-Present

Andrew Johnson Bank, Greeneville, TN - Board of Directors - 1979-Present

Elected Chairman of the Board in 1993 for Holding Company
Industrial Bond Board Member - 1970-Present (Appointed by Mayor and aldermen)
Greene County Foundation Member - 1978-Present (Appointed by Mayor and aldermen)

Takoma Hospital, Greeneville, TN - Foundation Member - 1989-Present

Holston Methodist Home for Children, Greene County, TN

Board Member - 1978-1984

Advisory Board - 1984-Present

Boy Scouts of America for Greene County, Tennessee Fundraising Campaign Member - 1969-Present

Fundraising Campaign Chairman - 1980-1982, 1986, 1987, 1989

Link Hills Country Club, Greeneville, TN - Past President

East Tennessee State University, Johnson City, Tennessee - Foundation Member - 1986-Present

Greeneville/Greene County Chamber of Commerce - Member for last 25 years
Board of Directors - 1978-1982

L. PAUL HITE

INFORMATION SHEET

Born June 24, 1927 in Greene County, Tennessee

Lived in Greene County from 1927 until 1945 - lived in Lynchburg, Virginia from 1945 until 1947 - moved back to Greene County, Tennessee in 1947 and lived in Greene County since that time

Married to the former Sandra Young

Children:

Tommy Hite lives in Greene County, Tennessee, owns and operates his own business - East Tennessee Neon

Angie Hite Buckles live in Greene County, Tennessee, where she has been in the real estate business for the past twelve (12) years

Shane Ray Hite lives in Greeneville, Tennessee, and owns and operates his own insurance agency

Nicole Hite lives at home and attends Walters State Community College as a part time student

Education: was educated in Greene County public schools - Baileyton and Chuckey High School

Business and Public Service Involvement:

President - Boles and Hite Construction Company - 1954 - December, 1993 Greeneville, Tennessee City Alderman - 1973 - 1980 Greeneville, Tennessee Vice Mayor - 1976 - 1980 Greeneville Light & Power Board - Member and Chairman - 1976 - 1980 Greeneville Light & Power Board - Member - 1982 - Present

Organizations, etc.:

First Tennessee Bank, Greeneville, Tennessee - Board Member - 1968 - 1979

Andrew Johnson Bank, Greeneville, Tennessee - Board Member - 1979 - Present
Chairman of full Board and Executive Board - 1986 - present
Greeneville/Greene County Chamber of Commerce - Member for the last 25 years
Economical Development Board - Greene County, Tennessee - 1986 - 1993

Link Hills Country Club, Greeneville, Tennessee - Member
Moose Lodge #692, Greeneville, Tennessee - Member
Elks Lodge, Greeneville, Tennessee - Member
Reformation Lutheran Church, Greeneville, Tennessee - Member since 1948

Have served on several Church Boards

CERTIFICATE OF SERVICE

I, Timothy K. Brady, hereby certify that I have, this 1815 day of January, 1994, served a copy of the foregoing Supplement to Standardized Integration/Diversification Statement by First Class mail, postage prepaid upon the following:

Honorable John M. Frysiak Administrative Law Judge Federal Communications Commission 2000 L Street, NW, Room 223 Washington, DC 20554

Robert A. Zuaner, Esq. Hearing Branch Federal Communications Commission 2025 M Street, NW, Room 7212 Washington, DC 20554

J. Richard Carr, Esq. P.O. Box 70725 Chevy Chase, MD 20813-0725 (Counsel for Darrell Bryan)

THOTHY W BOXDY